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IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1961

No. [redacted]

UNITED STATES OF AMERICA,
Appellees,

vs.

CHARLES PAUL, Director of Agriculture of the State of California and STANLEY MOSK, Attorney General, State of California,
Appellants.

On Appeal from the United States District Court for the Northern District of California, Southern Division

BRIEF OF THE STATE OF MAINE AS AMICUS CURIAE

FRANK E. HANCOCK
Attorney General
of the State of Maine

THOMAS W. TAVENNER
Assistant Attorney General

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The State of Maine is filing this brief as *amicus curiae* under the provisions of Rule 42 of the Rules of the Supreme Court of the United States. Consent to the filing of this brief is not needed under the provisions of Section 4 of said Rule 42.

INTEREST OF THE STATE OF MAINE

The legislature of the State of Maine enacted a Milk Control Law in 1935. This law is currently in effect and is Chapter 33 of the Revised Statutes of 1954 as

amended. This legislation is similar to that adopted by the State of California and gives to the Maine Milk Control Commission the general supervision over the price structure of the Maine dairy industry. The Maine Milk Commission has as its aim to insure an adequate supply of pure and wholesome milk to the people of the State at a reasonable price while at the same time affording a fair return over costs to both distributor and producer.

The problem existing in the State of California, and constituting the subject matter of the present action, is of great interest to the State of Maine. One of the objects of the Maine Milk Control Law, as above stated, is to insure milk producers an adequate profit on their investment. A dealer policy which returns to these producers less than fair value for milk to be consumed on Government instrumentalities would have the effect of undermining the pricing structure established to insure such fair return. It is essential, therefores that the Maine Milk Commission have the power to regulate the price paid by any dealer to any Maine producer. The adverse decision of the three judge District Court entered on April 18 and 19, 1961, against the State of California and reported in 190 F. Supp. 645, if sustained, could lead to the eventual undercutting of the milk price structure now in existence in the State of Maine.

It is in order to protect the Maine dairy industry and the citizens of the State of Maine that the Maine Milk Commission, by and through the Attorney General, is filing this brief as *amicus curiae* in support of the position taken by the State of California.

ARGUMENT

It is the position of the State of Maine that the opinion rendered by the three judge District Court and cited above was in error as conflicting with Congressional policy and various decisions of the Supreme Court of the United States. The State of Maine as

amicus curiae is in full and complete agreement with the arguments presented in the brief filed by the State of California in this action. For this reason, it is not deemed necessary that the State of Maine reiterate the arguments presented in the brief filed by the State of California.

CONCLUSION

The State of Maine submits that the position taken by the Appellant, State of California, should be sustained and that the issues presented are of great importance to the State of Maine and call for resolution by this Court.

Respectfully submitted,

FRANK E. HANCOCK
Attorney General
of the State of Maine

THOMAS W. TAVENNER
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